

STATE OF VERMONT
HUMAN SERVICES BOARD

In re)	Fair Hearing No. 16,484
)	
Appeal of)	
)	

INTRODUCTION

The petitioner moves to reopen his case that was dismissed by the Board on August 24, 2000 for failure to appear at the scheduled hearing time.

FINDINGS OF FACT

1. The petitioner appealed a Medicaid denial on May 12, 2000. The Board's clerk mailed him a notice of hearing for June 8, 2000 at the address which he gave on Center Street in Barre.

2. On May 18, 2000 the notice envelope was returned to the Board by the Post Office with the notation that the address had been changed to a number on Highgate Drive.

3. The petitioner did attend the hearing scheduled for June 8. The matter was continued so that the petitioner could obtain additional medical evidence. The hearing was rescheduled for July 11, 2000 through a notice mailed to the address at Highgate Drive.

4. The petitioner did not attend that hearing and a notice of inquiry was sent to him on July 13, 2000. His mother called on July 14 to say that there had been a mix-up about the date and asked that the matter be rescheduled.

5. The hearing was rescheduled for August 3, 2000 through a notice again mailed to him at the Highgate Drive address. The petitioner did not attend that hearing. A second letter of inquiry was sent to the petitioner on August 14, 2000 but no response was received.

6. The Board dismissed the petitioner's case on August 24, 2000. The petitioner called on August 31, 2000 to say that Highgate Drive is not his address but rather that of his sister and that she had just given him all of his mail from the Board for the last month. He still lives at the Center Street address he gave to the Board but has not received any mail from the Board there since the original notice.

7. The matter was set for a hearing on the motion to dismiss through a notice mailed to the petitioner's Center Street address. The post office again sent a notice back to the board that the address had been changed to Highgate Drive. However, the petitioner did receive the notice and came to the hearing on September 28, 2000 to relate the above facts.

8. It appears that the petitioner received only the first and last notices mailed by the Board to his Center Street address and received none of the notices in between which were erroneously mailed to his sister's address. His sister did not provide these notices to him in a timely fashion so that he could avoid dismissal of his case.

ORDER

The dismissal is reversed and the matter should be reset for hearing.

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